Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
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Delete, Delete, Delete	)	GN Docket No. 25-133
	)	

COMMENTS OF
USTELECOM – THE BROADBAND ASSOCIATION

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USTelecom – The Broadband Association ("USTelecom")[1] submits these comments in response to the Federal Communications Commission's ("Commission" or "FCC") *Public Notice* seeking "public input on identifying FCC rules for the purpose of alleviating unnecessary regulatory burdens" and seeking "comment on deregulatory initiatives that would facilitate and encourage American firms' investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities."[2]

I. INTRODUCTION AND SUMMARY

USTelecom supports the Administration's goal of unleashing prosperity by alleviating unnecessary regulatory burdens and we welcome the opportunity to comment in this important proceeding. Thanks to over two trillion dollars of private investment since 1996, broadband providers offer an abundance of service choices today – from wired to mobile and fixed wireless to satellite and beyond – all competing to attract and keep customers.[3] But our work is far from

[1] USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its broad membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses across the country.

[2] *In re: Delete, Delete, Delete*, Public Notice, DA 25-219, at 1 (rel. Mar. 12, 2025) ("*Public Notice*").

[3] *2023 Broadband Capex Report*, USTelecom – The Broadband Association (Oct. 18, 2024), https://ustelecom.org/research/2023-ustelecom-broadband-capex-report/.

done: USTelecom members are committed to investing in ever stronger, faster, and more resilient broadband networks that are essential to virtually all progress. All too often, broadband's transformative contributions have occurred not because of, but in spite of, outmoded government policies. Broadband providers have been subjected to regulatory overreach in recent years, and USTelecom members face more red tape based on the role they played in the voice marketplace near the end of the last century. These regulations divert resources that could go towards investment and innovation. Broadband deployment is an inherently complex and resource-intensive process. Our members' deployment path to future-proof broadband infrastructure is longer and more difficult than for some providers because rather than simply upgrading existing networks, they must transform their networks by constructing new, modern facilities such as state-of-the-art fiber networks.

Deleting outmoded and inefficient Commission regulations is therefore especially valuable in facilitating and enhancing the impact of USTelecom members' investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities. As detailed below, USTelecom recommends prioritizing elimination of regulations that stymie fiber and other broadband investment by imposing high and unjustified costs that tip the playing field towards competing providers and industries. Indeed, many of these competitors offer the same types of services as USTelecom members, but they are not subject to archaic rules designed for a marketplace that has not existed for decades.

To unlock network modernization, the Commission's top priority for deletion should be regulations that force broadband providers to waste significant resources maintaining copper telephone lines that faded from relevance long ago. Additionally, the Commission should target, for instance, costly prescriptive reporting requirements that fail to generate useful information

and regulations adopted in the name of public safety that actually risk public safety by sapping critical resources needed in emergencies. More generally, the Commission should pursue a thorough review of the Code of Federal Regulations and its orders to eliminate legacy voice regulations that are, variously, egregiously outdated, particularly burdensome, and/or require paperwork for the sake of paperwork. In sum, USTelecom proposes considering eliminating, streamlining, or reforming about 3,000 rule provisions and over 140,000 words – meaning the Commission could set its sights on paring back far more words from the Code of Federal Regulations than appear in a typical novel.[4]

II. THE COMMISSION SHOULD REDUCE REGULATORY OBLIGATIONS THAT IMPEDE NETWORK MODERNIZATION

Legacy Commission obligations force USTelecom members to maintain outdated and underutilized equipment and networks, draining capital that could be used for innovation and investment in the next-generation networks that consumers expect and demand. The Wireline Competition Bureau recently took a set of very important actions to relieve some of these regulatory burdens through waivers and clarifications.[5] These actions mark an important first

[4] In addition, the Commission should consider in its review of these rules the recent Presidential memorandum that directs agencies to prioritize the repeal of unlawful regulations – including by invoking the Administrative Procedure Act's good cause exception to notice and comment rulemaking in appropriate cases. *See Directing the Repeal of Unlawful Regulations*, The White House (Apr. 9, 2025), https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/. The Commission should take appropriate steps to repeal such unlawful rules, including the Declaratory Ruling involving the Communications Assistance for Law Enforcement Act issued in the waning days of the Biden Administration and the earlier order adopting customer proprietary network information ("CPNI") data breach rules. *See Protecting the Nation's Communications Systems from Cybersecurity Threats*, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 25-9 (Jan. 16, 2025); *Data Breach Reporting Requirements*, Report and Order, 38 FCC Rcd 12523 (2023). Both are unlawful for reasons USTelecom and others have explained. *See* CTIA, NCTA, USTelecom Petition for Reconsideration, PS Docket No. 22-329 (Feb. 18, 2025); Petitioners' Op. Br., Ohio Telecom Assoc. *et al.* v. FCC *et al.* (6th Cir. May 22, 2024) (Nos. 24-3133 *et al.*), 2024 WL 2788723, https://bit.ly/4jmEDVz.

[5] *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment et al.*, Order, DA 25-248 (WCB rel. Mar. 20, 2025); *Technology Transitions*, Order on Clarification, DA 25-250 (WCB rel. Mar. 20, 2025); *Accelerating Wireline Broadband Deployment by Removing Barriers to*

step in modernizing the Commission's regulatory framework to focus on promoting investment of next-generation networks, which the Commission should build upon through further reform and permanent relief.

A. Discontinuance

Section 214(a) of the Communications Act of 1934, as amended, and the Commission's rules require agency approval to discontinue, reduce, or impair ("discontinue") a telecommunications service or interconnected voice over Internet protocol ("VoIP") service.[6] The nearly-century-old discontinuance requirements were created during a time of monopoly voice service, and they continue to apply only to wireline providers.[7] Today, the Commission recognizes that "there now exists a multitude of other voice service options for consumers in the United States."[8] Indeed, the Commission's own data shows that consumers have overwhelmingly abandoned wireline voice service in favor of mobile voice:[9]

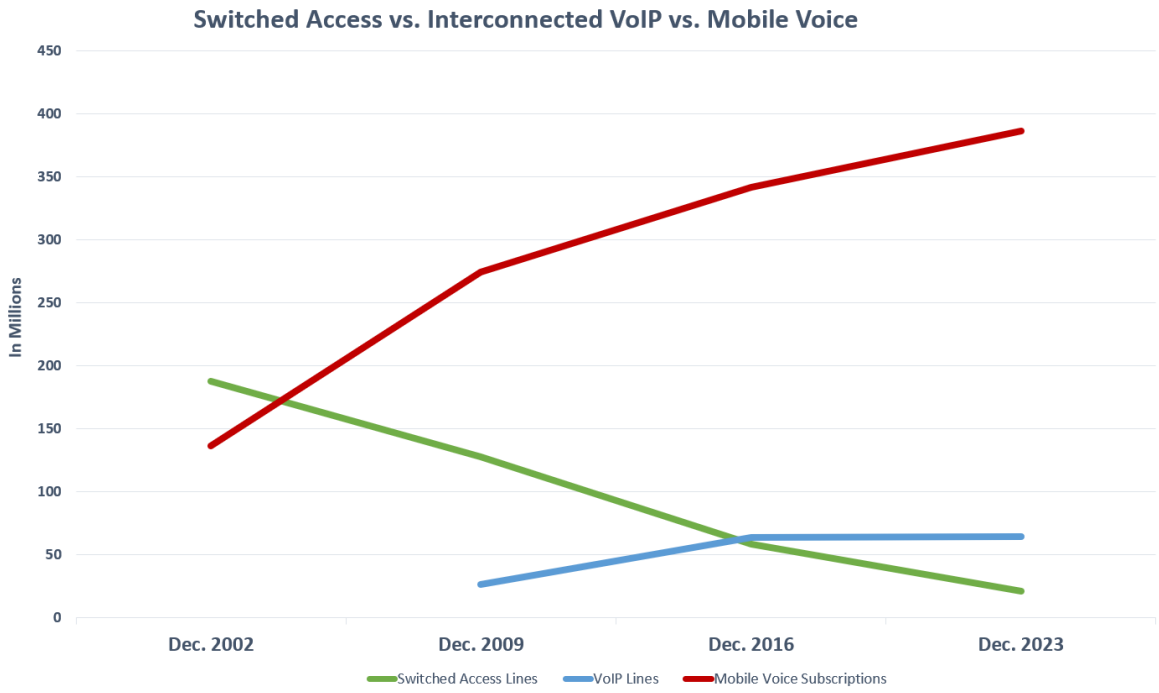
Infrastructure Investment, Order, DA 25-251 (WCB rel. Mar. 20, 2025); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Order, DA 25-252 (WCB rel. Mar. 20, 2025) ("*Network Change Disclosure Waiver*").

[6] 47 U.S.C. § 214(a); 47 C.F.R. § 63.71.

[7] *See* Tony Clark & Monica Martinez, *The More Things Change, The More Things Need to Change: Why New Realities Require New Rules*, at 3-4 (Sept. 20, 2019), https://www.ustelecom.org/wp-content/uploads/2019/09/More-Things-Change-Report.pdf.

[8] *Communications Marketplace Report*, 2024 Communications Marketplace Report, FCC 24-136, ¶ 154 (rel. Dec. 31, 2024) ("*2024 Communications Marketplace Report*").

[9] News Release, FCC, Federal Communications Commission Released Data on Local Telephone Competition, at tbl. 7, tbl. 13 (June 12, 2003), https://www.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/IAD/lcom0603.pdf; FCC, *Local Telephone Competition: Status as of December 31, 2009*, at 4, 29 (WCB Jan. 2011); FCC, *Voice Telephone Services: Status as of December 31, 2016*, at 3, 8 (WCB Feb. 2018); FCC, *Voice Telephone Services: Status as of December 31, 2023*, at 2 (OEA Nov. 2024).



But incumbent local exchange carriers ("ILECs"), competitive local exchange carriers ("CLECs") and interconnected VoIP providers are still stuck in an archaic discontinuance framework based on a voice marketplace that has not existed for decades. Such a reality defies the deregulatory intent of Congress in the 1996 Act,[10] and the fact that a subset of voice providers remain under this heavy burden of regulation nearly three decades later confirms that there is much more to do in terms of removing regulatory hurdles.

Wireline providers are saddled with this "mother-may-I" regulatory treatment while mobile carriers and non-dominant international authorization holders are exempt from the requirement to seek discontinuance approval.[11] Thus, even though mobile voice service has come to predominate the marketplace, USTelecom members are still required to obtain

[10] *See generally* Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996) (stating that the purpose of the law is "to promote competition and reduce regulation") ("1996 Act").

[11] 47 C.F.R. §§ 20.15(b)(3), 63.19(a).

government permission to discontinue outdated legacy offerings in order to account for marketplace developments.[12] This regulatory asymmetry is a relic of a less competitive era when ILECs received virtually all available Universal Service Fund ("USF") support, there was little or no competition in funded areas, and ILEC market exit would have meant consumers losing access to essential services. That is no longer the case as mobile wireless competitors now are the leading providers of voice service.

Maintaining outdated discontinuance requirements today imposes costs not outweighed by the benefits. In an era where broadband deployment is rightly a top bipartisan priority, these burdens are particularly unjustifiable because they impede next-generation deployment by mandating the expenditure of funds on outdated technology. The Commission has long recognized the importance of a "level playing field."[13] Accordingly, the Commission should consider appropriate steps, like reforming rules through forbearance, to remedy this anachronistic asymmetry. In addition, as part of this discontinuance modernization effort, the Commission should also codify or otherwise make permanent the Bureau's recent waiver of the network change disclosure rule, which ensures that carriers communicate directly with interconnecting providers without the need for delays due to filing government paperwork in the middle of the process.[14]

B. ETC Obligations

The Commission has forborne from certain eligible telecommunications carrier ("ETC") obligations where a price cap ILEC is overbuilt by a competitor receiving USF high-cost

[12] "One-way" VoIP services and video conferencing services, among others, also are not subject to discontinuance requirements. *See id.* §§ 63.60–63.61.

[13] *Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311, 420-21 ¶ 183 (2018).

[14] *See Network Change Disclosure Waiver* ¶ 6.

support.[15] However, the Commission has not granted similar relief where the ILEC is overbuilt by a provider receiving non-USF deployment funding. When the Commission granted its relief over a decade ago, limiting the scope to USF was defensible.[16] But in recent years, Congress has made unprecedented amounts of funding available on a competitive basis outside of USF for high-speed broadband deployment through the BEAD Program, Capital Projects Fund, and ReConnect Program, among others. The high-speed networks funded by these programs will render overbuilt ILEC copper networks superfluous. The subsidized competitor also will ensure that numerous options for fixed VoIP and other communications tools, such as video conferencing, will be available, whether provisioned on a first-party basis or over-the-top. But because these competitors will be subsidized outside the USF high-cost program, ILECs will nevertheless remain subject to the full panoply of ETC obligations in these areas absent further Commission action. This regulatory asymmetry is unnecessary, imposes wasteful costs, and unreasonably treats an entity with a network rendered obsolete by government subsidies to a competitor as if it is still the "incumbent." The Commission should therefore consider broadening its forbearance of ETC obligations in these additional subsidized areas by extending the applicability of the current forbearance to any federally-funded broadband subsidy program for networks providing at least 100/20 Mbps.[17]

[15] 47 C.F.R. § 54.201(d)(3).

[16] *See Connect America Fund et al.*, Report and Order, 29 FCC Rcd 15644, 15663-71, ¶¶ 50-70 (2014).

[17] *See Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2024 Section 706 Report, 39 FCC Rcd 3247, 3259, ¶ 22 (2024) (adopting fixed broadband speed benchmark of 100/20 Mbps).

III. THE COMMISSION SHOULD REFORM BROADBAND REPORTING REQUIREMENTS THAT HINDER INNOVATION

Innovation demands flexibility, as does meeting the needs of the ever-advancing American consumer. Prescriptive broadband reporting requirements restrict the flexibility needed to adapt and advance the services that participants in the highly competitive broadband marketplace provide. Reforming these requirements will allow for the necessary flexibility to unleash innovation and meet the modern consumer's demands.

A. Broadband Labels

Several aspects of the Commission's broadband labels rules[18] are unduly burdensome without any countervailing benefit. First, the requirement that providers must display all "charges that providers impose at their discretion, i.e., charges not mandated by a government," – including the pass-through of government-imposed fees – is particularly onerous.[19] To comply with this government-imposed fees requirement, providers must create and update hundreds of different labels to account for geographic variability and to ensure that their systems properly queue the label specific to the proper location when the customer inputs their address. The labels are supposed to provide "the *key* information consumers need,"[20] not all information no matter the operational cost. Here, the enormous burdens of compliance outweigh any marginal benefit to consumers of detailed fee information. Just as the Commission concluded there is no need to display taxes on the label,[21] the Commission should now similarly conclude that there is no need to display government-imposed fees on the label.

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[18] 47 C.F.R. § 8.2.

[19] *Empowering Broadband Consumers Through Transparency*, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13686, 13697 ¶ 33 (2022).

[20] *See id.* ¶ 3 (emphasis added).

[21] *Id.* ¶ 33.

Second, in adopting the requirement that providers "must display the actual label – not simply an icon or a link to the label – in close proximity to the associated plan advertisement,"[22] the Commission, without acknowledging it was doing so, departed from the recommendation of the Consumer Advisory Committee ("CAC") that a link on the provider's page would be sufficient.[23] Providers are best positioned to determine the most effective way to display their own service offerings, and the Commission should provide the flexibility envisioned by the CAC with respect to this requirement.

Finally, the requirement to "provide the information in any label separately in a spreadsheet file format on [provider] websites via a dedicated uniform resource locator (URL) that contains all of their labels,"[24] is non-sensical. The labels must already be displayed on the provider's website in a machine-readable format,[25] so it is wholly unclear what the purpose or benefit of this additional requirement is. Yet, it is highly costly for providers to update and maintain spreadsheets with data from potentially hundreds of labels. The Commission should therefore eliminate the duplicative and wasteful spreadsheet requirement.

B. Broadband Data Collection ("BDC")

As USTelecom has repeatedly explained, the licensed Professional Engineering ("PE") certification requirement in the BDC filing process is unnecessary, impractical, and burdensome.[26] The Commission itself acknowledged these concerns in allowing for alternatives

[22] *Id.* ¶ 91.

[23] *See* FCC Consumer Advisory Committee, Recommendation Regarding Consumer Broadband Labels (Apr. 26, 2022), https://www.fcc.gov/ecfs/search/search-filings/filing/10427730121601.

[24] 47 C.F.R. § 8.2(a)(3).

[25] *Id.*

[26] *See, e.g.*, Petition for Extension of Waiver of Competitive Carriers Association and USTelecom – The Broadband Association, WC Docket No. 19-195 (Aug. 4, 2023); Comments of USTelecom – The Broadband Association, WC Docket No. 19-195, at 6-7 (Oct. 7, 2024).

to the PE certification in the 2022 Declaratory Ruling waiving the PE requirement.[27] After extending the initial waiver for another three filing cycles, the Commission proposed to make the waiver of this requirement permanent in the Commission's 2024 Fourth Further Notice of Proposed Rulemaking ("FNPRM") in the BDC docket.[28] The Commission should act on that Fourth FNPRM and allow providers to use "otherwise-qualified" engineers, as defined by the Commission in that FNPRM.[29]

While requiring engineer certification of broadband availability data is a worthwhile element of ensuring accurate maps, requiring only *licensed PEs* to carry out that certification imposes costs and delays without commensurate benefits to the public. Not only is employing a PE costly but there are not enough available PEs who specialize in RF engineering and broadband network design to ensure that providers can satisfy the certification requirement. Given this shortage, a PE certification requirement could delay the availability of mapping data, undercutting the timeliness that is essential to all stakeholders. Additionally, through their reporting in past cycles, mobile and fixed providers have demonstrated that they can sufficiently certify broadband map information with otherwise qualified engineers that possess all requisite expertise but lack a PE license. Indeed, the Commission's granting of the limited waivers over the last couple of years did not negatively impact the BDC submissions by mobile and fixed providers. The Commission should therefore move expeditiously to permanently eliminate the PE certification requirement.

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[27] *Establishing the Digital Opportunity Data Collection et al.*, Declaratory Ruling and Limited Waiver, 37 FCC Rcd 7836 (WCB/OEA/WTB 2022) ("2022 Declaratory Ruling").

[28] *Establishing the Digital Opportunity Data Collection et al.*, Fourth Report and Order, Declaratory Ruling, and Fourth Further Notice of Proposed Rulemaking, 39 FCC Rcd 7539, 7575-76, ¶¶ 100-03 (2024).

[29] *Id.* ¶¶ 98-99.

Additionally, the Commission should explore streamlining other BDC reporting requirements. For instance, reporting census tract-level population and consumer counts should be sufficient, and the fixed voice subscription instructions in Part 2 (state-level data) are unnecessary and should be eliminated. Furthermore, the Commission should not require providers to report grandfathered subscribers when TDM-based services are discontinued; there is little to no value in the BDC reporting information on a service that is no longer being offered to new customers.[30] Finally, the Commission should eliminate the requirement to report infrastructure data when fixed or mobile coverage locations that were previously subject to a challenge or conceded by the provider are restored.[31]

IV. THE COMMISSION SHOULD ELIMINATE PUBLIC SAFETY REGULATIONS THAT ACTUALLY RISK PUBLIC SAFETY

USTelecom members agree that resilient and reliable networks are essential to the public interest and share a commitment to protecting the communities they connect and support. They take the responsibility to maintain connectivity seriously, especially when it comes to callers trying to reach 911 or 988 and critical communications during and after disasters. Any outage reporting regime should aid public safety while not diverting resources away from recovery and restoration. When there is an outage, especially one that is unplanned, it is crucial that the right people are notified with useful information *and* that providers are able to focus on restoring connectivity. However, the reporting regulations outlined below fail to strike the right balance,

[30] Similarly, there is little to no value in requiring providers who only have enterprise customers to submit subscriber data. *See Who Must File Form 477*, FCC, at 4 (Dec. 31, 2019), https://us-fcc.app.box.com/v/WhoMustFileForm477 (explaining "[e]ach provider of interconnected VoIP service must complete and file the applicable portions of the form if it has one or more revenue-generating end-user customer of interconnected VoIP service on the as-of date associated with the form (either June 30 or December 31).").

[31] The Commission should also review other broadband reporting requirements, such as those required in the HUBB portal, and eliminate duplicative reporting.

as they impede public safety and network resiliency efforts by needlessly diverting essential resources away from their best uses and into wasteful compliance exercises during exigent circumstances.

Outage Reporting and Notification to Public Safety Facilities. Wireline and interconnected VoIP providers must provide notification of a reportable network outage to potentially affected 911 and 988 special facilities ("911/988 facility(ies)") within 30 minutes[32] and exercise "special diligence" to gather 911/988 facility contact information.[33] The arbitrary nature of the 30-minute notification period and amorphous "special diligence" obligations, combined with a strict liability-style enforcement approach, are creating a perfect storm of unnecessary outage notifications and contact information requests that overwhelm Public Safety Answering Points ("PSAPs"). Indeed, the public safety community recently requested reform, stating that "the current outage notification requirements do not meet the needs of [Emergency Communications Centers ("ECCs").]"[34] When an unexpected outage occurs, providers are unlikely to have anywhere near a full assessment of the situation after only 30 minutes. As a result, to ensure compliance with the requirement to notify any *potentially* affected 911/988 facilities, providers must cast a wide net in the little time they have, resulting in vast over-notification. PSAPs must sift through these notifications and may have difficulty separating the

[32] 47 C.F.R. § 4.9(h).

[33] *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission's Rules Concerning Disruptions to Communications*, Second Report and Order, 37 FCC Rcd 13847 (2022) ("911 Outage Order").

[34] Ex Parte of The Association of Public-Safety Communications Officials International, Inc., the National Association of State 911 Administrators, and NENA: The 9-1-1 Association, PS Docket Nos. 15-80 et al., at 2 (Jan. 7, 2025). *See also* Ex Parte of NENA: the 9-1-1 Association, PS Docket Nos. 15-80 et al., at 1 (May 17, 2024) (explaining "[t]he volume of notifications makes the notification process unhelpful for operations as there are too many notifications for PSAPs to make meaningful operational decisions for notifications that may or may not apply to them.").

wheat from the chaff; providers thus expend critical employee time and resources in the immediate wake of an outage simply to confuse PSAPs.

In addition to the 30-minute notification rule providing little benefit and risking public safety, the Commission also requires providers "to annually use special diligence to obtain a 911 special facility's contact information and maintain it up to date."[35] The Commission defines "special diligence" as "diligence expected from a person practicing in a particular field of specialty under circumstances like those at issue."[36] This definition fails to provide clear guidance to providers, especially in light of the Commission's conclusion that a provider has *not* exercised special diligence when making three attempts to contact the 911 special facility using at least two different types of media (e.g., email, phone, text).[37] This lack of guidance creates regulatory uncertainty, which is not conducive to the type of orderly notification practices that would actually benefit public safety officials.

The Commission's outage reporting thresholds are also problematic because they contribute to the over-notification described above.[38] USTelecom therefore supports revisions to the outage reporting thresholds, which would be beneficial to public safety, while limiting the compliance burden for providers.[39]

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[35] 911 Outage Order ¶ 9.

[36] *Id.* (citing BLACK'S LAW DICTIONARY (11th ed., 2019)).

[37] *Id.*

[38] *See* 47 C.F.R. § 4.5(e)(1), (f); 47 C.F.R. § 4.9(a)(2), (e)(1)(iii), (f)(2), (g)(1)(ii)(A).

[39] Specifically, the Commission should:

- Raise the threshold for outage reporting so that 4.5(e)(1) reads: "There is a loss of communications to PSAPs potentially affecting at least 2,000,000 user minutes and the failure is neither at the PSAPs nor on the premises of the PSAPs, no reroute for all end users was available, and the outage lasts 60 minutes or more."
- Revise 4.5(f) to read: "An outage that potentially affects a 988 special facility occurs whenever there is a loss of the ability of the 988 Suicide and Crisis Lifeline to receive,

DIRS 24-Hour Report. The Commission also should consider changes to the impractical 24-hour final reporting requirement following Disaster Information Reporting System ("DIRS") deactivation. Commission rules require providers to "detail[] the state of their infrastructure at the time of DIRS deactivation and an estimated date of resolution of any remaining outages."[40] USTelecom appreciates the goals of this reporting requirement,[41] but it inappropriately forces providers to focus on recordkeeping and compliance during a time when restoration should be the priority and providers can face enforcement action for failing to strictly comply. Furthermore, every disaster is unique and weather-related disasters often happen in quick succession. As a result, a strict 24-hour reporting deadline after DIRS deactivation may also divert resources away from preparation, maintenance, and restoration for another disaster. Therefore, the Commission should provide more flexibility regarding the timing of the final DIRS report and eliminate the requirements for providers to "detail the state of their infrastructure" and provide an "estimated date of resolution of any remaining outages."[42]

Loss of Redundancy Reporting. While not a codified requirement, the Commission also mandates that providers file an outage report when there is a failure of "one working path" that is

process, or forward calls . . . potentially affecting 2,000,000 user minutes and lasting at least 60 minutes duration."

- Raise the threshold for outage reporting so that 4.9(g)(1)(ii)(A) reads: "That potentially affects at least 2,000,000 user minutes of interconnected VoIP service and results in complete loss of service . . ."
- Revise language in 4.9(a)(2), (e)(1)(iii), and (f)(2) to read as follows: "Affects at least 334 OC12 minutes."

[40] 47 C.F.R. § 4.18(a)(2).

[41] *See Resilient Networks; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 39 FCC Rcd 623, ¶ 19 (Jan. 25, 2024) ("*DIRS Second Report and Order*").

[42] 47 C.F.R. § 4.18(a)(2).

not restored within four days after discovery.[43] USTelecom members understand that redundancy is critical to preventing outages, and its members design their networks with the goal of redundancy in mind. But a loss of redundancy is not itself an outage. Therefore, this filing requirement covers events that have no discernible impact on customers, public safety officials, or anyone else. Yet the requirement results in an immense expenditure of provider resources. For example, one provider's personnel was forced to devote *over 2,500 hours* to these reports in 2024, and it is not clear what, if anything, the Commission does with the reports. Given its lack of any cognizable benefit to the public or the Commission and the high cost to providers, the Commission should eliminate the loss of redundancy reporting requirement promptly.

TSP Outage Reporting. A provider must file an outage report with the Commission when a facility it owns, operates, leases, or otherwise utilizes experiences an outage of at least 30 minutes that *potentially* affects any special offices and facilities, including Telecommunications Service Priority ("TSP") at priority Levels 1 and 2.[44] The lynchpin of the TSP Program is prioritizing repairs to critical circuits. Indeed, providers already have TSP Level 1 and 2 circuits flagged for restoration priority and communicate updates to customers of record. However, this rule disrupts those arrangements by diverting resources towards reporting rather than repairing. Because the requirement counterproductively impedes disaster response, the Commission should eliminate it.

Outage Filing Timelines. The Commission should also sync the timelines for outage reporting. Currently, all service provider types except interconnected VoIP providers must file

[43] *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications et al*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 31 FCC Rcd 5817, ¶ 28 (2016) ("2016 Outage Reporting Order").

[44] 47 C.F.R. §§ 4.5, 4.9(f)(3).

outage reports for facilities they own, operate, lease, or utilize at specific intervals, including a "Notification" within 120 minutes, an "Initial Report" within 72 hours, and a "Final Report" within 30 days.[45] Interconnected VoIP Service Providers follow a different schedule, requiring a notification to the Commission within 240 minutes for outages potentially affecting a "911 special facility," all other outage "Notifications" within 24 hours, and a "Final Report" within 30 days.[46] To streamline reporting, the Commission should align all outage filings with the interconnected VoIP schedule. Removing the 72-hour Initial Report would save an estimated 45 minutes or more per provider per outage, and the information in this interim report would still be included in the Final Report, providing a net benefit for public safety and consumers alike.

V. THE COMMISSION SHOULD THOROUGHLY REVIEW AND ELIMINATE OUTDATED AND UNNECESSARY LEGACY TELECOMMUNICATIONS CARRIER REGULATION

The extensive thicket of regulations applicable to USTelecom members inefficiently diverts investment away from networks and into pointless compliance efforts. While the specific regulations highlighted above impose many of the most acute costs, the aggregate mass of Commission telecommunications regulations with which members must comply also imposes substantial burdens. Whatever merit the Commission's regulatory framework for telephone incumbents once had is long gone. As previously noted, the Commission summed up the current state of the voice marketplace in its *2024 Communications Marketplace Report*: "Although the public switched telephone network was once the only means to connect, there now exists a multitude of other voice service options for consumers in the United States."[47] As this observation reflects, the 1996 Act's goal of voice competition has been achieved beyond its

[45] 47 C.F.R. §4.9(a)(4), (c)(3), (d), and (e)(4).

[46] 47 C.F.R. § 4.9(g).

[47] *2024 Communications Marketplace Report* ¶ 154.

framers' wildest possible hopes, and it is far past time for the Commission to update its regulatory framework for telecommunications to reflect our modern reality.[48]

USTelecom therefore enthusiastically supports this inquiry into existing rules that are unnecessary or inappropriate as a result of marketplace and technological changes.[49] The *Public Notice* should kick off a sweeping review of outdated legacy regulation targeting incumbent carriers in light of the dramatic changes in the communications marketplace. The Commission's detailed review should include, but not be limited to, both the rules in the section below and, more generally, the following parts and subparts of the Code of Federal Regulations:

- Part 32 (Uniform Systems of Account), which imposes, in its own words, "a historical financial accounting system";[50]
- Part 42 (Preservation of Common Carrier Records), last updated in 2001 and from which the Commission conditionally forbore in 2013;[51]
- Part 53 (Special Provisions Concerning Bell Operating Companies), given that Bell Operating Companies ("BOCs") no longer merit special regulation;
- Part 61 (Tariffs), to streamline or eliminate unnecessary or obsolete rules in order to simplify processes without making significant substantive changes;
- Part 64 (Miscellaneous Common Carrier Rules) Subparts:

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[48] *See generally* 1996 Act.

[49] *Public Notice* at 3-4.

[50] 47 C.F.R. § 32.1. This review should include all provisions that do not impact pole attachment rates. Additionally, USTelecom recognizes that in certain cases, the Commission may wish to retain limited aspects of its regulations for a subset of rate-of-return carriers (e.g., those that have not elected incentive business data services regulation or those that receive legacy support based on actual costs).

[51] *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations et al.*, Memorandum Opinion and Order et al., 28 FCC Rcd 7627 ¶ 95 (2013) ("*2013 Forbearance Order*").

- G (Furnishing of Enhanced Services and Customer-Premises Equipment by Bell Operating Companies; Telephone Operator Services), as these rules were last substantively updated over two decades ago,[52] when BOCs and operator services played a far more significant role in telephony than they do today;
- I (Allocation of Costs), which were last revised over two decades ago and should be updated at minimum to reflect the Commission's 2013 conditional forbearance for price cap carriers;[53]
- K (Changes in Preferred Telecommunications Service Providers), in light of the prevalence of all-distance phone plans in today's marketplace;
- N (Expanded Interconnection), last amended in 1996;
- S (Nondominant Interexchange Carrier Certifications Regarding Geographic Rate Averaging and Rate Integration Requirements), an annual certification requirement adopted in 1996 that is not necessary to ensure compliance with the underlying statutory requirement;
- T (Separate Affiliate Requirements for Incumbent Independent Local Exchange Carriers That Provide In-Region, Interstate Domestic Interexchange Services or In-Region International Interexchange Services), from which the Commission has already forborne as to price cap carriers;[54]
- U (Privacy of Customer Information), which as discussed below is outdated and has been a jumping-off point for regulatory overreach;

[52] The Commission updated the methods for filing international tariffs in Section 64.709 in 2008 and 2011. *See Amendment of Parts 0 et al.*, Order, 23 FCC Rcd 860 (OMD 2008); *Electronic Tariff Filing System (ETFS)*, Report and Order, 26 FCC Rcd 8884 (2011).

[53] *2013 Forbearance Order* ¶ 36.

[54] *Id.* ¶ 139.

- X (Subscriber List Information), which was last updated twenty years ago, given the vastly diminished significance of telephone directories; and
- DD (Prepaid Calling Card Providers), in light of the prevalence of unlimited phone plans in today's marketplace.

In addition, USTelecom urges the Commission to review the specific rule provisions and uncodified requirements discussed below, among others.[55] As part of its review, the Commission should consider forbearance from the underlying statutory obligation where appropriate.

This Commission review could occur as part of the biennial review process set forth in Section 11 of the Communications Act[56] or a series of comparable proceedings. Conducting one or more subsequent proceedings will maximize the ability of the Commission to delete inefficient regulations identified by stakeholders and the agency's own review.

VI. THE COMMISSION SHOULD REVIEW AND ELIMINATE REGULATIONS THAT ARE EGREGIOUSLY OUTDATED, IMPOSE PARTICULAR BURDENS, OR REQUIRE UNNECESSARY CERTIFICATIONS

To illustrate the value of a fulsome review of outdated legacy telecommunications regulations, below we highlight examples of regulatory underbrush that are egregiously outdated, particularly burdensome for providers, or require unnecessary and repetitive certifications.

A. Examples of Requirements That Are Egregiously Outdated

Quarterly Payphone Reports. Completing carriers must, by default, generate quarterly reports that are used to determine compensation with payphone service providers.[57] Payphones

[55] In addition to the uncodified requirements described herein, the Commission should also look at conditions imposed on a case-by-case basis that effectively result in uncodified requirements for individual entities.

[56] 47 U.S.C. § 161. The previous Administration failed to initiate any biennial review proceeding, contrary to the statute's express direction to initiate review in every even-numbered year. Due to this gap, it would be appropriate for the Commission to initiate a new biennial proceeding this year.

[57] 47 C.F.R. § 64.1310.

are in terminal decline; the average younger American probably has never even used one.[58] Consistent with this marketplace reality, in some carriers' experience, the cost of preparing these reports outweighs the value recouped by payphone revenue.[59]

Toll-Free Number on Paper Bills. Where a carrier's customer receives a paper bill, the bill must list a toll-free number where subscribers may inquire about and dispute charges, even though it is permissible to provide an email address or website to customers who receive the bill electronically.[60] Specifically mandating a toll-free number imposes unnecessary staffing costs given that appropriate contact information is freely available on the Internet.

Publication of Additional Notices for Certain Discontinuances. Applicants must post printed notices at street level or publish notice in the local newspaper for certain forms of discontinuances.[61] This requirement is clearly outdated. Consumers are not wandering around the street looking for information about discontinuance of legacy services, and Americans do not uniformly read the local newspaper anymore.

Lingering *Computer Inquiry* Requirements. In the 1980s, before significant local voice competition or consumer Internet use, the Commission's "*Computer III*" decisions imposed

[58] At its peak, the number of payphones in the United States was over 2.5 million, while now that number has dwindled to less than 100,000. *See, e.g.*, Jessa Lingel, *When Will Payphones Finally Die Off? Hold Please*, Slate (June 1, 2022), https://slate.com/technology/2022/06/payphones-new-york-city-history.html.

[59] The Commission has already recognized the need for reform of payphone reporting requirements in light of the costs versus benefits. *See Modernization of Payphone Compensation Rules* et al., Report and Order, 33 FCC Rcd 2589, 2591-93 ¶¶ 5-6, 8 (2018) ("In light of the changed payphone marketplace dynamics since [the annual audit] was adopted and the unanimous record reflecting that the costs of this requirement far exceed any remaining benefit, we find that the annual audit and associated reporting requirements are no longer necessary.").

[60] *See* 47 C.F.R. § 64.2401(d).

[61] *See* 47 C.F.R. § 63.90.

convoluted affirmative nondiscrimination requirements on incumbents.[62] These requirements "had limited competitive significance even when they were adopted," and "few people . . . can confidently explain what exactly these arcane rules ever required."[63] In 2015, the Commission granted forbearance from these lingering *Computer Inquiry* requirements, conditioned on carriers following a process that is identical to the Section 214 discontinuance process.[64] Even a decade ago, the Commission found a "lack of record information on the extent to which the *Computer Inquiry* requirements still apply to any type of usable offering."[65] In light of that finding, and given continued changes in the marketplace since the *Computer Inquiry* requirements were adopted in the 1980s,[66] the discontinuance condition is unnecessary and should be eliminated entirely.

Lingering Equal Access Requirements. When it took steps to eliminate the remaining *Computer Inquiry* requirements in 2015, the Commission also forbore from requiring that service providers offer new customers the option of having an alternate long distance provider in conjunction with their local service.[67] Given the dramatic changes to the stand-alone long distance voice market, the Commission found that the "equal access" requirements were unnecessary, as most customers do not use separate providers for local and long-distance service and these requirements impose meaningful costs on service providers. However, the

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[62] *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks*, Memorandum Opinion and Order, 31 FCC Rcd 6157, 6195 ¶ 68 n.218 (2015) ("*2015 USTelecom Forbearance Order*") (detailing *Computer III* proceedings).

[63] Jonathan E. Nuechterlein & Philip J. Weiser, *Digital Crossroads: Telecommunications Law and Policy in the Internet Age* 191 (2d ed. 2013) ("*Digital Crossroads*").

[64] *2015 USTelecom Forbearance Order*, 31 FCC Rcd at 6198-99, ¶¶ 71-74.

[65] *See id.* ¶ 72.

[66] *See id.* ¶ 74.

[67] *Id.* ¶¶ 49-54.

Commission required ILECs to maintain equal access for existing customers who were presubscribed to a stand-alone long-distance provider and grandfathered existing presubscription as of the date of the order, until the customer terminates their current stand-alone long distance service or until further forbearance is granted based on a more well-developed record concerning existing customers.[68] Continuing to require ILECs to grandfather customers who presubscribed to third-party long-distance services over a decade ago stifles investment in IP networks because VoIP platforms are unable to support the Carrier Identification Code routing needed to transfer a call to an alternate provider. Accordingly, the grandfathering provision forces ILECs to maintain outdated, and increasingly costly to maintain, POTS networks for a small minority of customers. The Commission should complete the work it started in 2015 and forbear from the grandfathering requirement so that ILECs can invest in innovation instead of maintaining the networks and customer presubscriptions of a bygone era.

B. Examples of Requirements That Impose Particular Burdens

CPNI Requirements. USTelecom members take their customers' privacy extremely seriously. The Commission's rules governing carriers' use of CPNI, however, are highly antiquated and, among other things, impose highly costly reporting and recordkeeping burdens. As discussed below, this archaic sector-specific regulation is unnecessary.

The Commission adopted most of its CPNI rules decades ago at a time when dial-up internet was considered a luxury by many and high-speed broadband was a distant dream.[69] The rules are old enough that there was a need to distinguish between local and interexchange (i.e.,

[68] *Id.* ¶ 54.

[69] *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information et al.,* Second Report and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 8061 (1998).

long-distance) telephone service.[70] The last time the Commission conducted a lawful re-examination of the rules was 18 years ago.[71] In recent years, the CPNI rules have become a magnet for unlawful overreach: Congress had to step in to undo the agency's 2016 attempt to regulate broadband privacy,[72] and in 2023, the agency ignored Congress's prior disapproval and once again attempted to assert authority over information other than CPNI.[73]

A Commission review of its CPNI rules to encourage rather than discourage investment therefore would be more than justified by changed marketplace circumstances. In reviewing the CPNI rules, the Commission should look to eliminate burdensome, unnecessary, and/or overly prescriptive requirements. In updating these archaic sector-specific rules, the Commission can modernize its CPNI requirements to align as closely as possible with the approach of the Federal Trade Commission to promote regulatory parity and a consistent experience for consumers.

Separations. The Commission's separations rules[74] require rate-of-return ILECs to divide costs and revenues based on whether they are interstate and intrastate. A freeze of the Part 36 category relationships and allocation factors has been in place since 2001 and has been extended eight times, with the latest freeze having expired on December 31, 2024.[75] These antiquated

[70] 47 C.F.R. § 64.2005(a).

[71] *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007).

[72] S.J. Res. 34, 115th Cong. (2017) (enacted); *see also Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Report and Order, 31 FCC Rcd 13911, 13976, 14005, ¶¶ 165, 234 (2016).

[73] *See Data Breach Reporting Requirements*, Report and Order, 38 FCC Rcd 12523, 12530-34 ¶¶ 15-20 (2023) (unlawfully expanding the Commission's data breach reporting requirements beyond CPNI to cover Personally Identifiable Information).

[74] *See generally* 47 C.F.R. Part 36.

[75] In July 2024, the Commission proposed another six-year extension of the freeze, a proposal which is still pending. *See In the Matter of Jurisdictional Separations and Referral to the Federal-State Joint Board*, Further Notice of Proposed Rulemaking and Order, 39 FCC Rcd 7341 (2024).

rules are unnecessary and only apply to a small subset of rate-of-return carriers; the freeze should be extended in perpetuity by rule to give carriers certainty and because continued extensions, and the work surrounding them, are a drain on Commission resources.

Part 68 Requirements for PSTN Terminal Equipment. The Commission created the Part 68 rules in 1975 to prevent the monopoly Bell System from discriminating against third-party manufacturers of customer premises equipment (e.g., telephones) by allowing manufacturers that meet certain technical standards to sell their products and obtain cooperation from carriers.[76] Today, the highly competitive voice marketplace does not demand the extensive technical regulation that once was necessary. Further, the broadband marketplace demonstrates that a simple disclosure requirement is sufficient to ensure that consumers are able to attach the devices they want to networks.[77] The Commission therefore has ample justification to overhaul its Part 68 legacy telephone device attachment rules.[78]

C. Examples of Unnecessary or Repetitive Reports and Certifications

The Commission should conduct an extensive review of all the agency's reporting obligations to eliminate or modify unnecessary reporting mandates that sap provider resources while providing little to no benefit to the Commission. Among the reporting requirements the Commission should look to eliminate or modify:

- Eliminate ARMIS Report 43-08 – In 2008, the Commission granted forbearance from requiring carriers to file most portions of this report with the exception of

[76] *Digital Crossroads* at 43.

[77] *See Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311, 440 ¶ 220 (2018) (requiring broadband Internet access service providers to disclose "[a]ny restrictions on the types of devices and any approval procedures for devices to connect to the network").

[78] USTelecom recognizes the importance of retaining hearing aid compatibility and other accessibility rules currently housed in Part 68.

the information in Table III relating to business line counts and switched access lines.[79] At the time, the Commission found the business line information necessary for "the non-impairment thresholds for the Commission's unbundling rules" and the switched access lines relevant "to calculate growth in access lines as part of the formula for determining interstate access support (IAS)."[80] The Commission no longer requires the business line information to evaluate non-impairment,[81] it did away with the need to calculate interstate access support for price cap carriers entirely in 2011, and it deleted the underlying interstate access support rule in 2016.[82] There is therefore no longer a need for ARMIS Report 43-08.

- Modify the FCC Form 499-A, Telecommunications Report Worksheet – The Form 499-A, filed annually, and the Form 499-Q, filed quarterly, are used to calculate and assess contributions to fund the USF. However, the level of detail required in the Form 499-A is far more complex than required by the Form 499-Q, and this additional detail is not necessary to calculate or determine contributions. The Commission should therefore streamline the Form 499-A to more closely align the reporting requirements with the Form 499-Q.

[79] *Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering et al.*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 23 FCC Rcd 13647, 13658-59, ¶¶ 16-21 (2008).

[80] *Id.* at 13658-59, ¶¶ 19-20.

[81] *See Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, Report and Order, 35 FCC Rcd 12425, 12439-45, ¶¶ 31-38, ¶¶ 111-127 (2020).

[82] *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3107 ¶ 225 (2016).

Furthermore, even where the Commission imposes regulatory requirements, as a "belt-and-suspenders" matter it regularly requires companies to certify that they are complying with those same rules. Regulated entities know they must comply with regulations without this added layer of paperwork. While there are regulatory instances where certifications may make sense, such as a one-time certification statement on an application,[83] there are many certification requirements that provide no benefit to the Commission and burden providers with extensive paperwork. Annual or otherwise repetitive certifications in particular provide no benefit as the filer would have already performed a review and determined that they are in compliance when they submitted the certification in the first place. All too often, it appears that the annual certification takes on a life of its own, so that compliance with the paperwork becomes more important to the Commission than whatever requirement originally animated the certification. And required certifications by senior officials often distract from those officials' ability to actually perform their jobs. To remedy these problems, the Commission should consider eliminating or streamlining certifications including the following:

- Rural Call Completion Annual Intermediate Provider Safe Harbor Certification;
- Annual 254(k) Certification;
- Annual CVAA Certification; and
- FCC Form 555: Annual Lifeline ETC Certification Form.

[83] *See, e.g.*, FCC Form 603, FCC Application for Assignments of Authorization or Transfers of Control, https://transition.fcc.gov/Forms/Form603/603.pdf.

VII. CONCLUSION

In sum, USTelecom recommends eliminating, streamlining, or reforming a total of about 3,000 Commission requirements from the Code of Federal Regulations. We look forward to working with the Commission to reduce regulatory burdens and red tape that have no corresponding public benefit to unleash even more investment and innovation for consumers in America's communications marketplace.

Respectfully submitted,

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